under this section does not stay the 45-
day period specified in §385.13(a)(1) for
motor carriers transporting passengers
or hazardous materials. If the motor
carrier has submitted evidence that
corrective actions have been taken pur-
suant to this section and the FMCSA
cannot make a final determination
within the 45-day period, the period be-
fore the proposed safety rating be-
comes final may be extended for up to
10 days at the discretion of the
FMCSA.

(g) FMCSA may allow a motor car-
rier (except a motor carrier trans-
porting passengers or a motor carrier
transporting hazardous materials in
quantities requiring placarding) with a
proposed rating of “unsatisfactory” to
continue its motor carrier operations
in commerce for up to 60 days beyond
the 60 days specified in the proposed
rating, if FMCSA determines that the
motor carrier is making a good faith
effort to improve its safety status. This
additional period would begin on the
61st day after the date of the notice of
proposed “unsatisfactory” rating.

(h) If the FMCSA determines that the
motor carrier has taken the corrective
actions required and that its oper-
ations currently meet the safety stand-
ard and factors specified in §§385.5 and
385.7, the agency will notify the motor
carrier in writing of its upgraded safe-
ty rating.

(i) If the FMCSA determines that the
motor carrier has not taken all the
corrective actions required, or that its
operations still fail to meet the safety
standard and factors specified in §§385.5
and 385.7, the agency will notify the
motor carrier in writing.

(j) Any motor carrier whose request
for change is denied in accordance with
paragraph (i) of this section may re-
quest administrative review under the
procedures of §385.15. The motor car-
rier must make the request within 90
days of the denial of the request for a
rating change. If the proposed rating
has become final, it shall remain in ef-
efect during the period of any adminis-
trative review.

Source: 67 FR 12771, Mar. 19, 2002, unless
otherwise noted.

§385.101 Definitions

Compliance review means a compli-
ance review as defined in §385.3 of this
part.

Provisional certificate of registration
means the registration under §368.6 of
this subchapter that the FMCSA
grants to a Mexico-domiciled motor
carrier to provide interstate transpor-
tation of property within the United
States solely within the municipalities
along the United States-Mexico border
and the commercial zones of such mu-
nicipalities. It is provisional because it
will be revoked if the registrant does
not demonstrate that it is exercising
basic safety management controls dur-
ing the safety monitoring period estab-
lished in this subpart.

Provisional operating authority means
the registration under §365.507 of this
subchapter that the FMCSA grants to a